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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,458	10/25/2000	Douglas M. Jennings	1712-0001	3571

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EXAMINER

LUM, LEE S

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 06/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/696,458</b>	Applicant(s) <b>Jennings, Douglas</b>
Examiner <b>Lum, Lee S.</b>	Art Unit <b>3611</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Amendment filed 3/29/02

2a)  This action is FINAL.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 1035 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 17, 18, and 26-51 is/are pending in the application

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) all listed above is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

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1. An Amendment was filed 3/29/02 in which Claims 17 and 18 were amended, Claims 1-16 cancelled, and Claims 26-51 added.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 17, 18, 26, 28, 29, 32, 33, 35, 37-41, 44 and 47-51 are rejected under 35 U.S.C. 102(a) as being anticipated by a product catalog distributed by "Auto Meter Competition Instruments" for 1999, and listed on the IDS filed 2/21/01.**

Auto Meter discloses a replacement instrument bezel, depicted on p 15, product number 50101 - "Gauge Cages", comprising

bezel (body of this product) configured to be mounted in a bezel-mounting space defined between a dashboard housing (inherent) and an instrument assembly (unidentified),

the original bezel possessing no instrument mounts (only vents), and,  
an instrument/additional instrument secured to the bezel before installation of the bezel,  
including its respective mount and window.

A method of adding/replacing the bezel and instrument assembly is derived from the structure and means just described.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 27, 30, 31, 34, 36, 42, 43, 45, 46 and 48** are rejected under 35 U.S.C. 103(a) as being unpatentable over Auto Meter alone.

**Re Claims 27, 30 and 42,** Auto Meter does not specify that the instrument assembly is installed after that of the bezel, but it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this particular feature/step for different instrument, and installation, configurations, thus increasing applicability. Moreover, either sequencing; i.e., allowing installation of the instrument before or after installation of the bezel, is clearly immaterial to the function/operation of the invention.

Additionally, re **Claim 30**, and **Claims 31 and 43**, while the included catalog pages do not disclose a speedometer, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this element, or any other pertinent meter, for the safety and comfort of the user, the particular type of meter being immaterial to the invention.

**Re Claims 34, 36, 46 and 48,** Auto Meter does not specify that the instrument assembly/mount is integrally formed with the bezel, but it would have been obvious to one with ordinary skill to include this configuration in order to simplify manufacture and assembly.

**Re Claim 45,** Auto Meter does not specify that installation instructions are included with the products, but it would have been obvious to one with ordinary skill to include this element in order to ensure proper installation and operation of the invention, and as is very well-known in the art.

4. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure, in addition to the art listed on the IDS filed 2/21/01: Gronowicz et al 6048020, Nishijima et al 5979965, 5685595, Kelman et al 5823602.

5. **RESPONSE TO REMARKS:** Moot in light of new art rejections.

6. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, 9-530, M-F. Our fax number is (703) 308-2571. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer assistance at (703) 306-5771.

Ms. Lee S. Lum  
Examiner  
5/31/02

JLF  
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*P. Dickson* 5/31/02  
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